

FORM PTO-1390 (Modified)
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES

4068-0002-0 PCT

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

CONCERNING A FILING UNDER 35 U.S.C. 371

09/424247

INTERNATIONAL APPLICATION NO.

PCT/BE98/00064

INTERNATIONAL FILING DATE

07 MAY 1998

PRIORITY DATE CLAIMED

07 MAY 1997

TITLE OF INVENTION

DRY POWDER INHALER EXCIPIENT, PROCESS FOR ITS PREPARATION AND PHARMACEUTICAL COMPOSITIONS CONTAINING IT

APPLICANT(S) FOR DO/EO/US

Francis VANDERBIST, et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☐ Certificate of Mailing by Express Mail
- 01 FO:122 ☒ Other items for information:

Notice of Priority


PCT/IB/304

PCT/IB/308

Request For Consideration of Documents Cited in International Search Report

Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. 1.137(b)

Petition to Accept Declaration Under 37 C.F.R. 1.47(a)

U.S. APPLICATION NO. (IF KNOWN) 09/424247		INTERNATIONAL APPLICATION NO. PCT/BE98/00064		ATTORNEY'S DOCKET NUMBER 4068-0002-0 PCT	
20. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO \$840.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) \$670.00 <input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$760.00 <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$970.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$96.00 ENTER APPROPRIATE BASIC FEE AMOUNT = \$840.00				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	15 - 20 =	0	x \$18.00	\$0.00	
Independent claims	1 - 3 =	0	x \$78.00	\$0.00	
Multiple Dependent Claims (check if applicable).			<input checked="" type="checkbox"/>	\$260.00	
TOTAL OF ABOVE CALCULATIONS =				\$1,100.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).			<input type="checkbox"/>	\$0.00	
SUBTOTAL =				\$1,100.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).			<input type="checkbox"/> 20 <input type="checkbox"/> 30 +	\$0.00	
TOTAL NATIONAL FEE =				\$1,100.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR-3.28, 3.31) (check if applicable).			<input type="checkbox"/>	\$0.00	
Petition to Revive \$1210.00 TOTAL FEES ENCLOSED =				\$2310.00	
				Amount to be refunded	\$
				charged	\$
<input checked="" type="checkbox"/> A check in the amount of \$2,310.00 to cover the above fees is enclosed. <input type="checkbox"/> Please charge my Deposit Account No. in the amount of to cover the above fees. A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 15-0030 A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C. Crystal Square Five, Fourth Floor 1755 Jefferson Davis Highway Arlington, Virginia 22202 US William E. Beaumont Telephone Number (703) 413-3000 Facsimile Number (703) 413-3000 Registration Number 30,996			 SIGNATURE Norman F. Oblon NAME 24,618 REGISTRATION NUMBER November 29, 1999 DATE		

Envoi recommandé Aangestelde zending <input checked="" type="checkbox"/> Lettre <input type="checkbox"/> Imprimé <input type="checkbox"/> Envoi à livraison attestée <input type="checkbox"/> Brief <input type="checkbox"/> Drukwerk <input type="checkbox"/> Zending met bericht van bestelling		Envoi express (1) Expreszending (1) <input type="checkbox"/> Lettre <input type="checkbox"/> Brief <input type="checkbox"/> Imprimé <input type="checkbox"/> Drukwerk		Envoi taxipost (1) Taxipostzending (1) <input type="checkbox"/>
Envoi avec valeur déclarée Zending met aangegeven waarde <input type="checkbox"/> Lettre <input type="checkbox"/> Brief		Valeur déclarée Aangegeven waarde		
<input type="checkbox"/> Mandat de poste <input type="checkbox"/> Mandat de versement <input type="checkbox"/> Assignment postale <input type="checkbox"/> Postwissel <input type="checkbox"/> Stortingspostwissel <input type="checkbox"/> Postasignatie		Montant Bedrag		
Nom ou raison sociale du destinataire ou intitulé du CCP Naam of firma v.d. geadresseerde of benaming v.d. PCR Monneir Paul Maer Dir. of Tech. Transfer Internat. Ltd.				
Rue et numéro Straat en huisnummer 460 Comstock Road, Scarborough				
Localité et Pays Plaats en Land ONTARIO M1L 4S4				
Cet avis doit être signé en priorité par le destinataire et, si cela n'est pas possible, par une autre personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le prévoient, par l'agent du bureau de destination et renvoyé par le premier courrier directement à l'expéditeur. Dit bericht dient bij voorrang ondertekend te worden door de geadresseerde en, indien dit niet mogelijk is, door de persoon die daartoe gemachtigd is krachtens de reglementen van het land van bestemming, of, indien de reglementen dit bepalen, door de bediende van het kantoor van bestemming en 'omgaand' rechtstreeks teruggezonden te worden aan de afzender.				
L'envoi mentionné ci-dessus a été dûment De hierboven vermelde zending werd behoorlijk <input type="checkbox"/> remis <input type="checkbox"/> payé <input type="checkbox"/> algeleverd <input type="checkbox"/> uitbetaald		Inscrit au CCP Ingeschreven op PCR		
Date et signature du destinataire Datum en handtekening v.d. geadresseerde		Signature de l'agent Handtekening v.d. ambtenaar		

(1) Limite au service intérieur. (1) Beperkt tot de binnenlandse dienst.

AR

A remplir par l'expéditeur
In te vullen door de afzenderA compléter à destination
Ter plaatse v. bestemming aan te vullen